

CERTIFICATES OF AIRWORTHINESS

Exchange of notes at Washington July 28, 1938, with text of arrangement

Entered into force August 1, 1938

53 Stat. 1941; Executive Agreement Series 131

The Secretary of State to the Canadian Minister

DEPARTMENT OF STATE
Washington, July 28, 1938

SIR:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal arrangement for the acceptance of certificates of airworthiness for export.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the arrangement shall be as follows:

ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO CERTIFICATES OF AIRWORTHINESS FOR EXPORT

ARTICLE I

(a) The present arrangement applies to civil aircraft constructed in continental United States of America, including Alaska, and exported to Canada; and to civil aircraft constructed in Canada and exported to continental United States of America, including Alaska.

(b) This arrangement shall extend to civil aircraft of all categories, including those used for public transport and those used for private purposes as well as to components of such aircraft.

ARTICLE II

The same validity shall be conferred by the competent United States authorities on certificates of airworthiness for export issued by the competent Canadian authorities for aircraft subsequently to be registered in the United States as if they had been issued under the regulations in force on the subject in the United States, provided that such aircraft have been constructed in Canada in accordance with the airworthiness requirements of Canada.

ARTICLE III

The same validity shall be conferred by the competent Canadian authorities on certificates of airworthiness for export issued by the competent United States authorities for aircraft subsequently to be registered in Canada as if they had been issued under the regulations in force on the subject in Canada, provided that such aircraft have been constructed in continental United States or Alaska in accordance with the airworthiness requirements of the United States.

ARTICLE IV

(a) The competent United States authorities shall arrange for the effective communication to the competent Canadian authorities of particulars of compulsory modifications prescribed in the United States, for the purpose of enabling the Canadian authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent United States authorities shall, where necessary, afford the competent Canadian authorities facilities for dealing with noncompulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

ARTICLE V

(a) The competent Canadian authorities shall arrange for the effective communication to the competent United States authorities of particulars of compulsory modifications prescribed in Canada, for the purpose of enabling the United States authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent Canadian authorities shall, where necessary, afford the competent United States authorities facilities for dealing with noncompulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

ARTICLE VI

(a) The competent authorities of each country shall have the right to make the validation of certificates of airworthiness for export dependent upon

the fulfillment of any special conditions which are for the time being required by them for the issue of certificates of airworthiness in their own country. Information with regard to these special conditions in respect to either country will from time to time be communicated to the competent authorities of the other country.

(b) The competent authorities of each country shall keep the competent authorities of the other country fully and currently informed of all regulations in force in regard to the airworthiness of civil aircraft and any changes therein that may from time to time be effected.

ARTICLE VII

The question of procedure to be followed in the application of the provisions of the present arrangement shall be the subject of direct correspondence, whenever necessary, between the competent United States and Canadian authorities.

ARTICLE VIII

(a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929,¹ will be supplanted in so far as it sets forth the conditions governing the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on August 1, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable

Sir HERBERT MARLER, P.C., K.C.M.G.,

Minister of Canada.

¹ EAS 2, *ante*, p. 31.

The Canadian Minister to the Secretary of State

CANADIAN LEGATION
Washington, July 28th, 1938

No. 177

SIR:

I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal arrangement between Canada and the United States of America for the acceptance of certificates of airworthiness for export, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

The terms of this arrangement which you have communicated to me are as follows:

[For terms of arrangement, see U.S. note, above.]

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on August 1st, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

HERBERT M. MARLER

The Honourable CORDELL HULL,
Secretary of State of the United States,
Washington, D.C.